

REMARKS

By way of the present response, claims 1-2, 8, 14, 16, 18, 21-23, 27, 28, 31, 35, 36, 40, 41, 47, 49, 51, 54-57, 60, 61, 64, 68, 70 and 71 are amended for clarity, and claims 5, 6, 38 and 39 cancelled. Also, claims 9-13, 15, 17, 19, 20, 24, 42-46, 48, 50, 52, 53 and 57, which were withdrawn by an election made September 29, 2006, are canceled herein without prejudice or disclaimer. Applicants reserve the right to pursue the subject matter of these withdrawn claims in a divisional application. Remaining claims 1-4, 7, 8, 14, 16, 18, 21-23, 25-37, 40, 41, 47, 49, 51, 54-56 and 58-72 currently are pending. No new matter has been introduced by these amendments.

Before proceeding with a detailed analysis of the Office Action, the undersigned notes with appreciation the courtesies extended by Examiner Havan and Primary Examiner Kazami throughout the interview conducted with Applicants' representatives on May 3, 2007. The present Amendment is presented in response to this interview in an effort to address the Examiners' expressed concerns regarding clarity so as to better recite the claimed subject matter and secure allowance.

At the May 3, 2007, interview, Applicants' representatives and the Examiners discussed the references of record, namely, U.S. Patent No. 6,493,681 to Tertitski et al. (hereinafter "Tertitski") and U.S. Patent No. 7,043,449 to Li et al. (hereinafter "Li"), and the §103(a) rejection of the pending claims, i.e., claims 1-8, 14, 16, 18, 21-23, 25-41, 47, 49, 51, 54-56 and 58-72. The Examiners appeared to agree that neither Tertitski nor Li teaches or suggests the claimed subject matter related to automatically generating an entry order and exit order, but that modifications would be required to better clarify the claim language and abundantly distinguish over the art cited. More specifically, the Examiners felt that some clarity of language was needed to eliminate a potential misreading of the alternative language in the original claims. At the interview, a minor modification was proposed to claim 1, as well as the other independent claims, i.e., claims 35, 68 and 71. For example, the last clause of claim 1 is now split into two clauses to handle either "an entry order" or "an exit order."

Accordingly, the terminal portion of claim 1 now reads:

upon occurrence of one said at least one market trigger condition, automatically generating an entry order over said distributed financial computer network pursuant to said trading strategy; and

upon occurrence of another said at least one market trigger condition, automatically generating an exit order over said distributed financial computer network pursuant to said trading strategy.

Applicants respectfully submit that with the above clarifying amendments, the invention is better defined to parse out the alternative language and improve readability. While Applicants disagree that the Section 103 rejection of record was sustainable, with the present clarification, Applicants' representatives and the Examiners agreed that the claims distinguished over the references cited. Minor amendments to the dependent claims, again purely clarifying, have been made to accord with the above modifications to the independent claims.

Also during the interview, Applicants' representatives and the Examiners discussed the finality of an Office Action, dated April 30, 2007, which was received by Applicants' representative the morning of the scheduled interview time. Everyone agreed that this final action should be withdrawn in view of the planned interview. At the interview, the Examiners indicated that the finality would be withdrawn to allow entry of the present Amendment. Accordingly, Applicants respectfully request that this Amendment be considered and made of record in the case, i.e., be entered.

Although Applicants believe that all of the above statements are accurate, faithfully reflect and accord with the points discussed at the interview, should any disparity arise, Applicants invite the Examiner to contact Applicants' representative and otherwise note her viewpoints on the above.

In view of the discussion with the Examiners at the interview on May 3, 2007, the amendments set forth herein pursuant to that discussion and Applicants' arguments set forth in the February 13, 2007 Amendment, and articulated further at the interview, Applicants respectfully request that the §103(a) rejection of the claims, as amended, over Tertitski, Li and any combination thereof, be reconsidered and withdrawn. Reconsideration and allowance of the application are, accordingly, respectfully requested.

Applicants again thank the Examiners and the Office for the courtesies accorded Applicants' representatives at the interview. Applicants respectfully request that should any further disparity of thought occur that would impede swift issuance of the subject application,

the Examiner contact Applicants' representative by phone or by further interview in an effort to expedite prosecution on this important patent application.

The Commissioner is authorized to charge any overage or shortage of fees connected with filing of this Amendment to Deposit Account No. 19-2380.

Respectfully submitted,

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